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From: Judy Corbett [<mailto:jcorbett@lgc.org>]

Sent: Monday, February 14, 2005 6:03 PM

To: Sandra St. Louis

Subject: CEQA Advisory Committee

TO: Secretary Mike Chrissman

FROM: Judy Corbett, Executive Director, Local Government Commission

RE: Suggested Improvements to CEQA

* We should revise guidelines section 15332 to make the current categorical exemption for urban infill development more usable.

* I'd suggest that we provide an infill exemption similar to Section 15332 for unincorporated urban areas.

* We should revise public resources code Section 21159.24 to expand the statutory exemption for urban residential infill projects.

* It would be helpful to amend Appendix G, the guidelines and/or the PRC to exempt infill projects from an analysis of local traffic, noise and air quality impacts. I believe that a similar exemption already exists in CEQA for transit projects which are assumed to have positive air quality impacts and are therefore exempt from air quality analysis. In this same way, infill projects could be exempted from traffic, noise, and air quality analysis since they are assumed to have beneficial impacts on a regional basis.

* I'd also suggest that we amend Appendix G of the CEQA the Guidelines and/or the PRC to require analysis and mitigation of the negative impacts of greenfield or sprawling development. In its current form, CEQA does little to evaluate and mitigate the real impacts of sprawl in terms of loss of open space land and agriculture, distances travelled by residents, and the inefficiencies in infrastructure provision. CEQA could be amended to set clear standards for mitigation for loss of agricultural and open space land (such as collection of open space funds), and it could also require analysis of travel and infrastructure impacts created by sprawl.

* It would be important to take steps to address the unintended and negative consequences of LOS standards. Appendix G of the CEQA Guidelines, which has the Initial Study Checklist and hence the implied standards, states that projects should be evaluated as to whether they "exceed either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways." Thus jurisdictions don't have to look at LOS standards for other non-designated roads. But they usually do, particularly since the checklist also says we need to look at whether projects will "cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. . . ." So LOS analysis is essential built in and the presumption is that free flowing traffic is a good thing, even when it destroys the urban fabric. We need to find a way to temper this.

* We really need to figure out how to create more of an incentive or requirement for early use of the CEQA process. Although the guidelines (15004(b)) do suggest that CEQA review should occur as early as possible to allow environmental considerations to influence project, design, this rarely happens and CEQA just is reactive to a project that is already proposed in its entirety.

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